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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,113	08/29/2000	Janine W. Corley	INETCAM.004A	2336

20995 7590 03/25/2005

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EXAMINER	
COULTER, KENNETH R	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/652,113	CORLEY ET AL.	
	Examiner	Art Unit	
	Kenneth R Coulter	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2004 (response to restriction)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 4 – 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 38 of copending Application No. 10/903,214. Although the conflicting claims are not identical, they are not patentably distinct from each other because even though the conflicting claims are not identical, they are not patentably distinct from each other because the claim language of the present Application is a slightly varied version of the claim language of '214.

A representative mapping is detailed below:

Claims 4 and 32 are a varied version of claim 1 in '214.

Some of claims 4 – 36 contain various inherent modifications and features not found in claims 1 – 36 of U.S. Patent Application No. 10/903,214.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4 – 18 and 30 - 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (U.S. Pat. No. 6,076,109) (Simplified-File Hyper Text Protocol).

4.1 Regarding claim 4, Kikinis discloses a method of distributing media data to a client computer via a network from a host computer, the method comprising:

receiving a data request at the host computer from a client computer via the network (Abstract; Figs. 3, 4);

launching a module on the client computer (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 14, line 64 – col. 15, line 7);

receiving a client computer specific parameter from the module on the client computer (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 14, line 64 – col. 15, line 7); and

streaming media data to the client computer from the host computer via the network according to the client computer specific parameter (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 15, lines 9 - 22).

4.2 Per claim 5, Kikinis teaches that the client computer specific parameter comprises the processing capability of the client computer (col. 3, lines 26 – 27 "CPU processing power and speed").

4.3 Regarding claim 6, Kikinis discloses that said streaming media data is at a rate compatible with the processing capability of the client computer (Abstract; col. 3, lines 23 – 27).

4.4 Per claim 7, Kikinis teaches that the media data stream is sent to the client computer while another media data stream is sent to another client at an independent rate (Abstract; col. 12, lines 42 – 50 "a single Proxy-Server may serve 100 or more field units simultaneously.").

4.5 Regarding claim 8, Kikinis discloses that the client computer specific parameter is selected from the group consisting of video source selection, audio source selection, audio and video source selection, frame rate, compression level, image resolution, image brightness, image contrast, and image view (col. 2, lines 60 – 67; col. 7, lines 2 - 10).

4.6 Per claim 9, Kikinis teaches that the client computer is selected from the group consisting of a processor-controlled device or system that permits access to a network, including a terminal device, such as a personal computer, a workstation, a server, a client, a mini-computer, a main-frame computer, a laptop computer, a network of individual computers, a mobile computer, a palm-top computer, a hand-held computer, a set top box for a television, an interactive television, an interactive kiosk, a PDA, an interactive wireless communications device, and a mobile browser (col. 4, lines 45 – 58 "personal organizer"; "hand-held computer"; "PDA"; "set-top box"; "the computer used by a person to access and interact with the Proxy-Server in practicing the present invention **need not be a hand-held**, or even a portable computer ...").

4.7 Regarding claims 10 - 12, Kikinis discloses that the media data comprises:

audio data (col. 6, lines 39 – 45 "playing **video *and/or* audio output**, as the case may be, depending on the downloaded data");

video data (col. 6, lines 39 – 45); or

video and audio data (col. 6, lines 39 – 45).

4.8 Per claim 13, Kikinis does not explicitly teach:

launching a delay monitoring module on the client computer;

detecting a changed multimedia data stream transmission at the client computer;

sending a request via a network to a host computer requesting a changed multimedia data stream rate transmission;

sending a client computer specific parameter to the host computer via the network; and

sending a media data stream to the client computer via the network according to the client specific parameter.

However, the bandwidth that is deliverable to the client will vary over time, due to the load on the network varying over time, failure of system resources, etc. Therefore, monitoring the rate at which data is actually being delivered to the client would enable the Kikinis system to further tailor the data being delivered to the client in Kikinis. This would allow the Kikinis system to alter the delivery method to compensate for bandwidth variations that would occur over time.

4.9 Regarding claims 14 and 15, Kikinis does not explicitly disclose detecting the media data stream at a regular interval or after a specific departure from a current transmission rate.

These methods of stream rate monitoring are commonplace in the art and do not represent a patentably distinct feature over the prior art.

4.10 Per claim 16, Kikinis teaches that the media data stream is sent to the client computer while another media data stream to another client is sent at an independent rate (Abstract; col. 6, lines 39 - 46).

4.11 Regarding claim 17, Kikinis discloses that the media data includes a video image, and further comprising:

selecting a region of the video image to view on the client computer (col. 10, lines 57 – 67 ""necessary to zoom and pan to see an entire page");

sending a request to the host computer via the network requesting transmittal of data corresponding to the selected region of the video image (col. 10, lines 30 - 57); and

sending data to the client computer via the network corresponding to the selected region of the video image (col. 10, lines 30 - 57).

4.12 Per claim 18, Kikinis teaches that successive regions are selected and viewed permitting panning (col. 10, lines 57 – 67 "necessary to zoom and pan to see an entire page").

4.13 Regarding claim 30, Kikinis discloses transmitting the module to the client computer via the network (col. 4, lines 43 - 45).

4.14 Per claim 31, Kikinis teaches that said media data comprises recorded media data (Abstract "adapted files are saved and identified for future use in communicating with specific devices over Internet connections").

4.15 Regarding claim 32, Kikinis discloses a method of distributing multimedia data to a remote client computer via a network, the method comprising:

receiving a request for an applet from the client computer via the network (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 14, line 64 – col. 15, line 7);

transmitting a Java module to the client computer via the network (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 14, line 64 – col. 15, line 7 "an interaction may be established wherein the user's device transfers the list of available features to the enhanced server.");

receiving a client computer specific parameter from the Java module on the client computer (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 14, line 64 – col. 15, line 7); and

streaming multimedia data to the client computer via the network according to the client computer specific parameter (Abstract; Figs. 8; col. 11, lines 19 – 26; col. 15, lines 9 - 22).

4.16 Per claim 33, Kikinis teaches launching the Java module on the client computer via the network (Abstract; Fig. 1).

4.17 Regarding claim 34, the rejection of claim 8 under 35 USC 102(e) above (paragraph 4.5) applies fully.

4.18 Per claim 35, Kikinis discloses that the multimedia data stream is sent to the client computer while another multimedia data stream is sent to another client at an independent rate according to a client specific parameter for said another client (col. 12, lines 43 – 64 "a single Proxy-Server may server 100 or more field units simultaneously.").

4.19 Regarding claim 36, the rejection of claim 31 under 35 USC 102(e) (paragraph 4.14) applies fully.

5. Claims 4 – 16, 19 – 23, and 30 - 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahai et al. (U.S. Pat. No. 6,594,699) (System for Capability Based Multimedia Streaming Over a Network).

5.1 Regarding claim 4, Sahai discloses a method of distributing media data to a client computer via a network from a host computer, the method comprising:

receiving a data request at the host computer from a client computer via the network (Abstract "request for service for a multimedia type data transfer"; Fig. 2, item 22);

launching a module on the client computer (Abstract; Fig. 2; col. 6, line 57 – col. 7, line 9);

receiving a client computer specific parameter from the module on the client computer (Abstract; Fig. 2; col. 6, line 57 – col. 7, line 9); and

streaming media data to the client computer from the host computer via the network according to the client computer specific parameter (Abstract; Fig. 2, item 36).

5.2 Per claim 5, Sahai teaches that the client computer specific parameter comprises the processing capability of the client computer (col. 3, lines 26 – 27 "CPU processing power and speed").

5.3 Regarding claim 6, Sahai discloses that said streaming media data is at a rate compatible with the processing capability of the client computer (Abstract; col. 3, lines 23 – 27; col. 6, line 57 – col. 7, line 9).

5.4 Per claim 7, Sahai teaches that the media data stream is sent to the client computer while another media data stream is sent to another client at an independent rate (Abstract; col. 6, line 57 – col. 7, line 9).

5.5 Regarding claim 8, Sahai discloses that the client computer specific parameter is selected from the group consisting of video source selection, audio source selection, audio and video source selection, frame rate, compression level, image resolution,

image brightness, image contrast, and image view (col. 2, lines 60 – 67; col. 7, lines 2 - 10).

5.6 Per claim 9, Sahai teaches that the client computer is selected from the group consisting of a processor-controlled device or system that permits access to a network, including a terminal device, such as a personal computer, a workstation, a server, a client, a mini-computer, a main-frame computer, a laptop computer, a network of individual computers, a mobile computer, a palm-top computer, a hand-held computer, a set top box for a television, an interactive television, an interactive kiosk, a PDA, an interactive wireless communications device, and a mobile browser (col. 3, line 25 "TV set top, PC, lap top, **etc.**").

5.7 Regarding claims 10 - 12, Sahai discloses that the media data comprises:

audio data (col. 3, lines 57 - 60);

video data (col. 3, lines 57 - 60); or

video and audio data (col. 3, lines 50 - 56).

5.8 Per claim 13, Sahai does not explicitly teach:

launching a delay monitoring module on the client computer;

detecting a changed multimedia data stream transmission at the client computer;

sending a request via a network to a host computer requesting a changed multimedia data stream rate transmission;

sending a client computer specific parameter to the host computer via the network; and

sending a media data stream to the client computer via the network according to the client specific parameter.

However, the bandwidth that is deliverable to the client will vary over time, due to the load on the network varying over time, failure of system resources, etc. Therefore, monitoring the rate at which data is actually being delivered to the client would enable the Sahai system to further tailor the data being delivered to the client in Sahai. This would allow the Sahai system to alter the delivery method to compensate for bandwidth variations that would occur over time.

5.9 Regarding claims 14 and 15, Sahai does not explicitly disclose detecting the media data stream at a regular interval or after a specific departure from a current transmission rate.

These methods of stream rate monitoring are commonplace in the art and do not represent a patentably distinct feature over the prior art.

5.10 Per claim 16, Sahai teaches that the media data stream is sent to the client computer while another media data stream to another client is sent at an independent rate (Abstract; col. 6, line 57 – col. 7, line 9).

5.11 Per claims 19 – 23, the updating of information related to a dynamic IP address and the monitoring for IP address changes is inherent in a real time data streaming to a client from a user selected URL (see Fig. 2), when the user selected URL implements a dynamic IP address.

5.12 Regarding claim 30, Sahai discloses transmitting the module to the client computer via the network (Fig. 1; col. 2, lines 46 - 64).

5.13 Per claim 31, Sahai teaches that said media data comprises recorded media data (col. 6, lines 12 – 21 "The server 10 performs a media server process 40 ... which, upon receiving 42 the URL, play request and capability/preference information, picks the **appropriate media asset *or*** real time file ... to stream to the client 12.").

5.14 Regarding claim 32, Sahai discloses a method of distributing multimedia data to a remote client computer via a network, the method comprising:

receiving a request for an applet from the client computer via the network (Abstract "request for service for a multimedia type data transfer"; Fig. 2, item 22);

transmitting a Java module (Java applet) to the client computer via the network (Abstract; Fig. 2; col. 6, line 57 – col. 7, line 9 "the server 10, at the time of an initial hit on the home page for a multimedia service, to send or stream an application to the client, such as a **JAVA applet** application **in response to the initial http request**.");

receiving a client computer specific parameter from the Java module on the client computer (Abstract; Fig. 2; col. 6, line 57 – col. 7, line 9); and

streaming multimedia data to the client computer via the network according to the client computer specific parameter (Abstract; Fig. 2, item 36).

5.15 Per claim 33, Sahai teaches launching the Java module on the client computer via the network (Fig. 1; col. 6, line 57 – col. 7, line 9).

5.16 Regarding claim 34, the rejection of claim 8 under 35 USC 102(e) above (paragraph 5.5) applies fully.

5.17 Per claim 35, Sahai discloses that the multimedia data stream is sent to the client computer while another multimedia data stream is sent to another client at an independent rate according to a client specific parameter for said another client (Abstract; col. 6, line 57 – col. 7, line 9).

5.18 Regarding claim 36, the rejection of claim 31 under 35 USC 102(e) (paragraph 5.13) applies fully.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,345,279 Li et al.

A customized multimedia delivery system that adapts the multimedia according to client capabilities. "The client may also specify their capabilities explicitly, for example, through forms or **applets**."

See col. 6, lines 30 - 41

U.S. Pat. No. 6,449,653 Klemets et al.

Multimedia streaming between server and client via the Internet.

U.S. Pat. No. 5,953,506 Kalra et al.

A scalable media delivery system with scalable, streamed data tailored to correspond to the profile of **each** client computer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER

krc